App. F. IX-4

Previous References.
Pris 36-37 C-3

1943-44
(Prisons)

File No. 79-43
Serial Nos. 1 - 15

Later References.

Preserved

PRESERVED

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Fifteen

Part B for Feb '46

SUBJECT

Over-detention of a prisoner Mallappa in the Sub-Jail, Shimoga

P 5109/Pris 79-43-13 D 20-2-46
To The Dy. Inspr. of Prisons

P 5110 —"— 14 To —do— Police

P 5111 —"— 15 To The Registrar Hcl.

Conveys the observations made

H. C. Seetharama
D/27/2/46

PRISONS

III—3] Ow-detention

ROUTINE NOTES

for a perusal

[To be used only for notes, requisitions, etc., not intended for permanent record.]

145/43 P 43

C. F. No. 46]

GOVERNMENT OF MYSORE

No. 869

Encls.

OFFICE OF the Inspector-General of Prisons in Mysore, Bangalore.

Date 5th July 1943.

Pris 79-43-1

To The Secretary to the Government of His Highness the Maharaja of Mysore, Law Department, Bangalore.

Sir,

I have the honour to state that the Deputy Commissioner, Shimoga intimates that one Mallappa of Honnali Taluk who was convicted under Sections 55 (a) and 55 (g) of the Mysore Excise Act and sentenced on 10-2-43 to pay a fine of Rs. 10/- or to suffer one week's simple imprisonment under Section 55 (a) and also to suffer one month's simple imprisonment under Section 55 (g) in C.C. No. 397/42-43 on the file of the II Magistrate, Shimoga, was committed to the Sub Jail, Shimoga on 10th February 1943. The Deputy Commissioner adds that the fine of Rs. 10/- inflicted on the prisoner, was realised by the Police on 27-2-43 and that, though this fact was intimated to the Superintendent of the Jail the next day, the prisoner was overdetained by one week and was released on the 16th instead of the due date viz., 9th March 1943. I have called for the executed warrants and the connected records, immediately on receipt of which, I shall submit a report to Government.

I have the honour to be,
Sir,
Your most obedient servant,

M. Ehsanulla
Inspector-General of Prisons.
for (Casual from Head Quarters).

H.K.T. 6 JUL 1943

OFFICE OF THE MINISTER FOR REVENUE & LAW 7 JULY 1943 No. 187

SECY. LAW DEPT. 43 GOVT OF MYSORE

6) Submitted for kind perusal. 6/7/43

Law Secy 6/7/43

7) 7/7

Law Secy

8) For perusal 7-7-43

WD 05639—GPB—36,000—20-8-40

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

JUL 1943

5) 8/7

8/7

PRISONS

Re detention of [illegible]

4) Put up draft reminding Govt recommendation of MWV 24/7

5) Draft reminder is submitted for appl

6) 26/7

26.7.43

7) Issue MWV 27/7

Issued No. P 614 dated 28th July 1943 Sec'A

From,

The Dy of Poons

Letter No 869-7 dated 20th May 1943 stating that the connected record of the case has been called for from the D.C. and that his report is awaited.

8) Further report from the Dy may be awaited

9) 24/8/43

5.8.43

10) MWV 5/8

11) A.D.O. reminder is put up for appl

Sec'A 5/8

12) Issue MWV 4/11

19.3 14/11/43

11.11.43

To The Dy of Prisons

No P 3384 dated 16/11/43

Sec'A

13) Another D.C. Reminder is put up for appl

6/2/44

14) Issue MWV 2/2

2/2/44

To the Dy of prisons.

No. P 4912 dated 2-2-44

Pris 79-43- Prisons 7845.

C. F. 74.]

Routine Notes. Death in Non-detention of a prisoner,

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Secy,

(SC2) The Ld of Prisons,

Letr No 869-60 dated 28th April 1943 forwarding a report explaining the circumstances that led to the non-detention of the prisoner.

14) ——//——

Submitted for kind perusal.

The report shows that the Jail Staff was not responsible for the ~~det~~ non detention of the prisoner The police & the Court were responsible for not giving timely intimation after receiving the payment of the fine.

15) Please put up the file

5/11 leading to fo. P833-43/CS-34-37-3

Initial 4/5 dated 10 august 37 and to Jail manual vol I

16) DNS 6.5.44

The Collr referred to is put up

5/11 17) It is seen from the D. G of Prisons letter and its

N.B.—*Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.*

C. F. 74.]

Routine Notes.

WD 01517—GPB—40,000—9-12-42

[To be used only for notes, requisitions, etc., not intended for permanent record.]

enclosures that the over-detentions of the prisoners for nearly a week was mainly due to the delay on the part of the Supt of Police and the Magte in verifying and intimating the Prison authorities about the recovery of the fines. Such delays when they affect the liberty of a subject seems to require serious notice. It is for consideration if the H. G. of Police and the High Court may be requested to obtain and forward the explanation of the Hons D.S.P and the Magistrate respectively inviting their views in the matter

Law Secy

22 MAY 1944 GOVT OF MYSORE

16) The explanation of the Magistrate, the D.S.P and of the Asst Commr who is the Supt & the Sub Jail Magistrate called for

22.5.44

17) Law Secy

23-5-44

18) Dossier letter submitted for approval

23/5/44

19) Approved letter No. P 1344 dated 24-5-44 issued to the Hon'ble Chief Commr, H.Q. of Police

20) Dossier letter submitted for approval

23/5/44

21) Approved letter No. P 1344 dated 24-5-44 issued to the Hon'ble Chief Commr, H.Q. of Police

(SB)

THE MINISTER FOR FINANCE & LAW 23 MAY 1944 No. 7491

TYPING SECTT. 30 MAY 1944 GEN. & REV. SECTT.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

C.R.S. III—37

Paris

Ore detention of a Jew

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(24) From,
Sec Res Comm,
Letr No A1 7394/43-44
dated 3.8.1944 forwarding
Rep explanation of Jew then
Supdt, Distt. Jail, Dhanbad

22) Submitted: May be sent
to Govt of Paris for remarks
& return

23) [illegible]

To
Govt
12/8

Govt
12/8

Govt letr No P1079
dated 14.8.1944 to the
Govt of Paris

Govt

From,
Sec G. of Comm,
Letr No 869-19 dated 11.
Oct. 1944 stating that Mr
T. H. Jones is not altogether
free from blame and that
he has been already warned

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Press 1.7.6

G.R.S. III—3] Non-detention of a prisoner

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

No further action is necessary

2nd)

Submitted the explanation of D.S.P and the Magistrate concerned may be awaited with reference to para 18 of the Notes Supra

25th) Issue as D.A. 13/10 pm reminder to the S.P. of Police and the District Magistrate.

13/10. Nagle.

MMV 13/10

Sooon,

See D.G of Prisons,

Letter No. 869-23 dated 3rd Jan 1964 forwarding the explanation of the Manager & the Asst. of the Dist Police officer, Mannofer, who were responsible for the non-detention of the prisoner and stating that the D.G of Police has punished the Manager by warning him & the Clerk by stopping his promotion for 6 months. ~~over~~ ~~stopping~~ ~~increments~~ ~~for~~ ~~the~~ ~~period~~

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Persons

F. 74.]

Routine Notes. Detention of a person

WD 07/11—GPB—50,000—29-7-44

[To be used only for notes, requisitions, etc., not intended for permanent record.]

26) Kind reference is invited to paras 18 & 24 of the notes supra.

Submitted for kind perusal.

The papers may be filed.

27) Copy to be filed, as well as ~~to~~ to the Asstt Collector in charge of Law Security (Gl)

5.1.43

JV. 5/1/43

28) The question cannot be dealt with in this manner.

29) The prisoner was due to be released on 9-3-43 & his fine Rs 10/- was received on default on 16-3-43

30) The Inspection of Police Kannad checked the Warrant received the fine on 27-2-43 and sent intimation of it to the Supdt, Sub Jail, Shimoga who received it on 2-3-43 and forwarded it the same day to the Magistrate for Verification. The Magistrate says that he could not verify it in the absence of the

N.B.— *Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.*

enrolled warrant and the Credit Challan that he received them on 1-3-43 only after the prisoner was released after undergoing the defaulter-term also

31) the Inspection Jemadar the executed warrant and the challan of the D.S.P's Office. Though they were received in that Office on 3-3-43 they were given to the Magistrates' Court only on 17-3-43. The Manager of the D.S.P's Office & the clerk concerned plead that they were busy with some murder case & that the Supdt of the Jail could have called on the response of the Inspection & released the prisoner

32) the Magistrate, the D.S.P's Office & the Supdt of the Jail are all guilty of negligence. The Magistrate on receiving information on 2-3-43 need not have waited till 17-3-43, but on knowing that the prisoner was serving out a sentence of

N.B.— Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Prisons

Continuation Sheet. File No. DEV - detention of a prisoner

Current No. of Page

without producing any remand
of the D.S.P's Office. The Supt
of the jail should not have
detained the prisoner illegally
after getting intimation of
recovery from the Police Inspector
who visited - taking the trouble
of personally the Magistrate
for producing the recognizance

The concerned clerk in the
D.S.P.'s Office is grossly
negligent - His promotion has
been stopped for 6 months. The
Manager has been warned.

3) The Supt. of the Jail says, in
his explanation that he could
not release the prisoner before
receiving the warrant from
the court with the endorsement
of recovery of fine. R210 of the
Jail Manual should be
read with the G.O dated 10-8-3
The G.O does not expressly
state that the Supt should
release the prisoner on
receipt of the intimation
from the Police for. Source but
that is the object of the G.O
In any case he should
not have illegally confine

Map A1

5350 Mason

Continuation Sheet. File No. Der - detention of a Mason Page

Current No.

to detain the person without
even pleading a Counsel
to the Magistrate.

34) The Right Court may
be impressed by such
facts for taking necessary
action against the
Magistrate

Cus
16-1-45

11 JAN 1944
No.
No.

Secy.
M. put up
a typed copy
of your note,
& time it suitable
to make out your writ

16/1/45

17 JAN 1945
No. 1608

Ref. Cus 16-1-45

Typed copy put up Secy

Cus
19-1-45

FOR REVE
19 JAN 1945
No. 164-8

28) The question cannot be dealt with in this manner.

29. The prisoner was due to be released on 9.3.1943 if the fine of Rs.10/- was recovered or in default on 16.3.1943.

30) The Inspector of Police, Honnali, executed the warrant, recovered the fine on 27.2.43 and sent intimation of it to the Superintendent, Sub Jail, Shimoga, who received it on 2.3.1943 and forwarded it the same day to the Magistrate for verification. The Magistrate says that he could not verify it in the absence of the executed warrant and the credit challan, that he received them on 17.3.43 only after the prisoner was released after undergoing the default ~~sam~~ term also.

31) The Inspector sent the executed warrant and the challan to the D.S.P's office. Though they were received in that office on 3.3.43 they were sent to the Magistrate's Court only on 17.3.43. The Manager of the D.S.P's office and the clerk concerned plead that they were busy with Issur murder case and say that the Superintendent of the Jail could have acted on the report of the Inspector and released the prisoner.

32) The Magistrate, the D.S.P's office and the Superintender of the Jail are all guilty of negligence. The Magistrate who received intimation on 2.3.43 need not have waited till 17.3.43, knowing that the prisoner was being over-detained without sending any reminder to the D.S.P's office. The Superintendent of the Jail should not have detained the prisoner illegally after getting intimation of recovery from the Police Inspector even without taking the trouble to remind the Magistrate for sending the verification. The concerned clerk in the D.S.P's office is grossly negligent

and his promotion has been stopped for 6 months. The Manager has been warned.

33) The Superintendent of the Jail says, in his explanation, that he could not release the prisoner before receiving the warrant from the Court with the endorsement of recovery of fine. Rule 210 of the Jail Manual should be read with the G.O. dated 10.8.37. The G.O. does not expressly state that the Superintendent should release the prisoner on receipt of intimation from the proper source but that is the object of the G.O. In any case he should not have illegally continued to detain the prisoner without even sending a reminder to the Magistrate.

34) The High Court may be informed of the facts for taking necessary action against the Magistrate.

Ans 19-1-38

35) For taking action against the magistrate, why inform the High Court? Why cannot Govt take action? Is no action proposed to be taken against the Supdt of the Jail? Is the D.S.P's office, are the clerks & manager alone responsible?

Ans 24-1

36) It is the usual practice to consult the High Court before taking action against

over detention of a prisoner in the Shimoga sub jail.

Continuation Sheet. File No. / Current No. of Page.

The Subordinate Judiciary
37) Action has to be taken
against the Supt also
he may be given a severe
warning. So also the Supt of the Jail
Cus 6-2-45

Camp Rpk 7 7/2/45 — Noted RR — MAV 6/2

37) Consult the Hqrs Court re the
action to be taken against the
Magistrate. Before something
more effective re jail & Supt &
the Police Supt officers are expected
to realize their responsibilities &
discharge them diligently & not
get on & get through anyhow.

SD 8/2
Cus 9-2-45

MAV 9/2

38)
Three draft letters are submitted for approval. One
to the High Court as regards the Magn, another
to the D.I.G. Prisons as regards the Supdt
Sub-Jail, Shimoga & the third to the D.I.G
of Police as regards the Supdt of Police concerned.

39) Put up clean copies of the
16/2/CES drafts as revised.

MAV 21/2

21 62 JV 16/2/45

40) Clean drafts as altered are
submitted.

21/2/CES

MAV 21/2 1.) Cus 21.2.45

(Land Secy)

WD 0726—GPB—25,000—15-9-44

42) Issue draft MRW

Issued Letter No. P5937 dated 23-2-45 to the Registrar, H. C.
Issued Letter No. P5938 dated 23-2-45 to the Es of Paris
Issued Letter No. P5939 dated 23-2-45 to the Ds of Paris

TYPING SECTION CEN. & REV. SECTY.

Les A
28/2

From
The Ds of Paris
Letter No. C. 2300/43-44 dated 16th March 1945 regarding that the D.S.P. explains that there was very heavy rain in the Nemafa Div during the period on account of the political unrest and suggesting approval to the suggestion already made by him that he may be warned in view of the fact that he is an experienced officer & that his work has been thoroughly satisfactory quite. Proc

43) Submitted: Reports are due from the High Court & the Ds of Courts who will be reminded if approved. After receiving these reports a Confidential Note of the whole will be put up.

27/3 Pers
(Law Secy)

MRW 27/3

Law 27-3-45

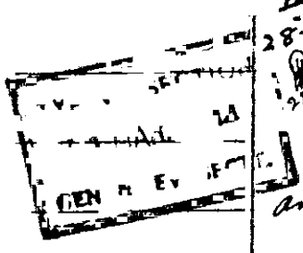
MRW 27/3

7648
27/3/45

46) Draft reminders to the Registrar, High Court and to the I.G. of Prisons are put up for approval

28-3-45

47) Issue 29/3



Issued D.O. reminders No P 6722 to the I.G. of Prisons and No P 6723 dated 4-4-45 to the Registrar. Hgh.

From

1) The Registrar, High Court,

Letter No. R.O. C. 928/44-45 dated 5th April '45

2) The I.G. of Prisons.

Letter No. 869-27 dated 5-4-'45

48) Subd. There are ad-interim replies to the reminders Further report promised in the matter may be awaited.

Sec A 11-4-45

9-4-45

49) A draft letter to the I.G. of Police requesting to forward the general diary of the D.S.P., Shimoga is put up for approval

16-5-45 50) Issue 21/5

To The I.G. of Police

Letter No. P 7649 Dt 24-5-45 requesting to forward the general diary of the D.S.P. Shimoga.

Sec A 25-5-45

From

The I.G. of Prisons.

(51) Letter No. 869-32 dated 31st May '45 stating that Mr. Ameer, Supdt. of the jail has been warned severely by the Hon D.C. and submits that Govt may pass such orders as they deem fit if any deterrent punishment is to be awarded.

C. F. 69]

Continuation Sheet. Pris File No. / Current No. 79 of 43 Page.

From

The (Sl.8)

I.G. of Police

Letter No. C2300 dated 15-6-1945 forwarding the diaries of the Supdt. of Police

To

The Registrar High Court Sl.9

Letter No: 928 dated the 3rd Septr 1945

States that the explanation of the Magistrate (Mr N.S. Krishnamurthy) is not satisfactory and that in the circumstances of the case, a warning to the Magistte is considered sufficient.

The explanations of the Supdt of Police Mr Abdul Latiff and of the Second Magistte, Shimoga (Mr. N.S. Krishnamoorthy) which were sent to the D.G. of Police and the Registrar High Court, for reference and return, have not been returned. Vide Resp

D/C calling for their return is put up for appl. (After receipt of the explanations, the case will be worked up and put up for order.)

Sec. A

Issued no P. 1833-34 Sl.9

Dated 12-9-45.

C/1749/45

12/9

Govt's Order detention of Prisoner malla, 1 -

From

8(11) The Registrar High court
Letter No: R-O.C 928/45-45
dated the 13th September 1945
Returns the explanation of
the magistrate - Sri N. S. Krishna-
murthi Refer: paras 52-53.

54) Reply from the D G of police
will be awaited. He has been
Dy.IS/9/45 reminded on dec 12th instant.

Dy.IS/9/45
17/9/45

8/9/45

From
The D G of Police

8(12) Letter No: C 2300/43-44 dated the
15th September 1945
Returning the explanation
of the Supdt of police - Sri
Abdul Latef.

Reference - para 37 of the notes

55) The High Court are of opinion that
the explanation of the Second magistrate
of Shimoga - Sri N S. Krishnamoorthy
is not satisfactory and that the magis
was responsible for verifying the fact
of realisation of the fine and intim
-ing the Jail Officer so that the latter
might have released the prisoner on the
due date, but in view of the circum
stances

Vide P.W.D
41

of the Case, they consider it sufficient if a warning is issued to the magistrate.

5b) As regards the Supdt of the Jail - Mr. Ameer and (2) the Distt Supdt of Police, Shimoga, Mr. Latiff, the D.G. of Prisons and the D.G. of Police, respectively, are of opinion that a warning would be sufficient, in consideration of the fact that Mr Ameer was quite new to the Departmental Rules having been drafted just then from the Revenue Deptt and that Mr Latiff was very busy at the time in connection with the Assur Cases, ~~selected~~ disturbance, at Shimoga, Bhadravati and other places and could not attend to the routine matter of this nature. The reasons assigned by the officers in their explanations (vide Pgs. M.I N.R.) are not convincing and are, ~~indeed~~, such as ought not to be expected from officers holding responsible places, especially, in the present case - involving the liberty of a subject.

(vide P.U.D. I and II)

9/9/45

19/9

Kind reference is invited to the Minister's orders at paragraph 37 of the notes, supra.

3] The High Court, the Inspector-General of Police

Serial No.

Police and the Inspector-General of Prisons who were requested to suggest a more effective punishment in respect of the Magistrate, the Dist. Superintendent of Police and the Superintendent of the Jails, who were all responsible for the over detention of the prisoner, have stated that a warning in this instance would serve the purpose.

58) As regards the Magistrate, the High Court observe that it was obligatory on the Magistrate to have verified the fact of the realisation of the fine from the police soon after intimation of it was sent to him by the Jail Officer and reported it to the Jail Officer so that the latter might have released the prisoner on the due date. They consider that the explanation given by the Magistrate is not satisfactory, but that in the circumstances it is considered ~~xxxxxxx~~ sufficient to issue a warning to the Magistrate.

59) As regards the Dist. Superintendent of Police, the Inspector-General of Police observes that, at the time when the fine levy warrant was delayed in the Dist. Police Office, the work of the Dist. Superintendent of Police was very heavy owing to the trial of the Essur cases and the communal tension in the Shimo District and the labour unrest in Bhadravathi. He states that these occupied the full time of the Dist. Superintendent of Police, Mr. Abdul Latiff. He concludes by ~~saying~~ stating that Mr. Latiff, the then Dist. Superintendent of Police of Shimoga District is an experienced Officer and that his work has been

NOTE—Contn. Sheet.

Serial No.

otherwise quite good and that a warning, in this case, would be quite sufficient. He further suggests that the proposal already made by him viz. that the Manager of the D:S.P's Office, Shimoga may be warned and the promotion of the clerk concerned may be stopped for a period of 6 months, may. in the circumstances. be approved by Government.

(c) The Dist. Superintendent of Police in his explanation states that it was the duty of the clerk concerned to have seen to the immediate despatch of the executed warrant to the Court concerned and that it is the clerk who is to answer for the delay. The Dist. Superintendent of Police states that it was impossible for him to check the work of every clerk, during the period in question when the work of the District was very heavy. It was however seen from the General Diary of the Dist. Superintendent of Police, Shimoga District, that during this period, except on the 16th of March 1943, he was attending office regularly and attending to his current work.

(d) As for the then Superintendent of Jail, viz., Mr. T.H. Ameer, the Inspector-General of Prisons states that he was unaware of the instructions conveyed by Govt. in Official Memorandum, dated 10th August 1937, since he was new to his work and the rules on the subject were not brought to his notice by the staff. The Inspector General of Prisons concludes by saying that the over detention would not have occurred had the warrant been dealt with promptly in the Dist. Police Office. The

C.F. 69]

Continuation Sheet. File No. Current No. Page.

The Inspector-General of Prisons states that a severe warning has been administered to Mr. Ameer and if Government consider a more effective punishment necessary in this case, the Govt. may pass such orders as they deem fit in the matter.

6 NOV. 1945

(Law Secy)

Para 37 indicates that a mere warning shd not be deemed to be adequate & the case maintained. The explanations of the three officers concerned, are of a shifting character, each trying to disclaim his own responsibility in the matter - there is not even an expression of regret by the D.S.P and the Magte, although according to the rules, both could and should have prevented over-detention - The statement of the D.S.P attributing the entire fault or culpability to the clerk implies want of realisation of his own duty & the seriousness of the conse

Copy of the Diary shows that he was in Head quarters during the intervening between the Date on which recovery of the prisoner reported to him & the Date on which it was communicated by his office to the court There is no mention in his explanation that he was absent at the time or moving from place to place. His explanation for the inordinate delay in sending the finality Warrant cannot be accepted - to a fortnight

WD 06816—GPB—50,000—29-7-44

The Naples law, though appraised by the Inspector on 2/3/43 of the recovery of the jewelry the Inspector allowed matters to drift - Proper attention was not given - Counsel under reference levy of fine levied at Page 131 of the G.I. His explanation is found to be unsatisfactory by the High Court - Detention of Impounding or arresting or a motor affecting the freedom of a subject, entitled to protection of the Court is to be resented -

It seems necessary to emphasise to both these officers that in such a case as this involving fundamental rights of freedom, they must act promptly and realise their responsibility -

The case of this detenu for offences he has expressed remorse - According to render he had reasonable cause to desist - Recommendation from the Court for discharge of the detenu

A warning may be issued in his case but not regarding the other

in what manner future speaker regard to their duties & better vigilance in the checks are expected

18/2

Minister Law
11 Revenue
& Defence
Hon
Chief Secy

9/2/46

RV
18/11/45

3564
1945

OFFICE OF THE MINISTER FOR LAW
21 DEC 1945
No 3169

OFFICE OF THE MINISTER FOR REVENUE
No. 7904
12-2-46.

Three officers submitted for appl
may be affirmed

14/2/46

Law Secy)

RV 18/2

18/2

Writ detention of a prisoner
v.c

General and Revenue Secretariat	File No.	of 194	[App. F. III–2

Serial No.	
13	To The D G of Prisons No: 5169 Dated. 20-2-46 State that a petition by him a warning to be kept in the T H Amer road office
14	To the D G of Police No P-5110 dated 20.2.46 Certify the observations made in respect of the Abdul Cader, S-pdi i p. Ice,
	The Regr High Court No P/11 Dated 20.2.46 [illegible]

NOTE—Contn. Sheet.

7846/43

[C. [illegible] No. 45]

GOVERNMENT OF MYSORE

Tele gram / phone

OFFICE OF

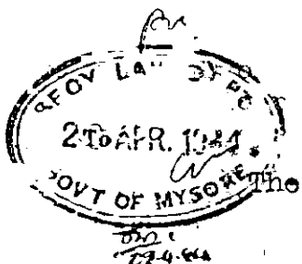
the Inspector General of Prisons in Mysore,

Bangalore.

No. 869-10.
Encls. Nil

Date 28th April 1944.

Pris 79-43-2



The Legal Rememberencer and Secretary to the Government of His Highness the Maharaja of Mysore,

Law Department, Bangalore.

Sir,

SUBJECT :- Overdetention of prisoner Mallappa in the Sub Jail Shimoga. (now a District Lockup.)

With reference to your letter No.P.3384 dated the 12th November 1943 on the above subject, I have the honour to state as follows :-

Accused Mallappa was convicted under Sections 55 (a) and 55 (g) of the Mysore Excise Act and was sentenced on 10th February 1943 to pa a fine of Rs.10/- or to suffer one week's simple imprisonment under -- Section 55(a) and also to suffer one month's simple imprisonment under Section 55(g) in Criminal Case No.397/42-43 on the file of the Second Magistrate, Shimoga. The prisoner was committed to the Sub Jail,Shim on 10-2-1943. As he failed to pay the fine of Rs.10/-, a warrant for recovery of the fine was sent by the Committing Court on 12-2-1943 to District Superintendent of Police, Shimoga, for execution, as required under Section 386 Criminal Procedure Code. The Inspector of Police, Honnali, executed the warrant, recovered the fine on 27-2-1943 and --- remitted it to the Treasury on 1-3-1943. He sent the intimation regarding the realisation of the fine to the Superintendent, Sub Jail, Shimoga on 28-2-1943. This intimation was received in the Sub Jail on 2-3-1943. The same day, the Superintendent of the Jail forwarded the intimation to the 2nd Magistrate, Shimoga, for verification. The -- Magistrate did not return this reference to the Jail, duly verified. T Inspector of Police, Honnali, submitted the fine levy warrant Chellans etc., to the District Superintendent of Police, Shimoga, on 1-3-1943. These records were received in the office of the Superintendent of Poli on 3-3-1943 but they were sent to the Court only on 17-3-1943. As per rules, the substantive sentence of one month's simple imprisonment -- inflicted on the prisoner had to be given effect to first and the fine-sentence, next. The prisoner was therefore due for release on 9-3-194 on payment of fine or in default, on 16-3-1943. As intimation re- garding the recovery of the fine was not received from the Court, the prisoner was detained in the Jail till 16-3-1943 and was released on th date after the expiry of the default sentence. He was thus overdetain by one week.

The fine intimation sent by the Superintendent, Sub Jail, was received in the 2nd Magistrate's Court on 2-3-1943. The prisoner was due for release on 9-3-1943 on payment of fine. The Court had enough time (viz., 6 days') to verify from the office of the Superintendent of Police whether the fine levy warrant had been executed and give a reply to the Superintendent of the Jail. The warrant, challan etc., --- submitted by the Inspector of Police, Honnali, was received in the - office of the District Superintendent of Police, Shimoga, on 3-3-1943. These records were kept by in that office for about 14 days and were returned to the Court on 17-3-1943. If the Court and the Office of

the District Superintendent of Police had acted promptly, the prisoner could not have been overdetained. The 2nd Magistrate states that the fine intimation received in his Court on 2-3-1943 from the Superintendent, Sub Jail, could not be verified and sent back to the Jail as the fine levy warrant challan etc., were not received from the Superintendent of Police. The Magistrate adds that the Superintendent of the Jail could have released the prisoner on 9-3-1943 on the authority of the information received from Inspector of Police, Honnali in accordance with Government Order No.P.833-43/Cts.34-37-3 dated the 10th August 37 which runs as follows

"Instances have come to the notice of Government, of overdetention of prisoners owing to non-receipt by the Prison Authorities of timely intimation of recovery of fines. The Deputy Commissioners and Police Officers, whenever they realise fine amounts whether in full or in part by the execution of warrants addressed to them by the Magistrates and Sessions Judges under Section 386 of the Criminal Procedure Code, should communicate forthwith the fact of realisation and the amount realised to the Court issuing the warrant and to the Officer in charge of the Jail or Lockup in order that the convicted person may not be detained in the prison on account of the fine longer than is warranted".

This Government Order enjoins the police to communicate forthwith the fact of realisation of fine to the Court issuing the warrant and to the Officer in charge of the Jail or Lockup but it does not empower the Officer in charge of the Jail or Lockup to release a prisoner on the intimation given by the Police. The Government Order quoted above read with Note under clause (2) Rule 210 of the Mysore Jail Manual, Volume I, indicates that the Courts are responsible that the fact of realisation of fine is communicated to the Jail "without undue delay"

Mr.T.H. Ameer was the Superintendent of the Sub Jail, Shimoga, during the period when the overdetention occurred. He is not altogether free from blame. He ought to have reminded the Court before executing the default sentence (viz., before 9-3-1943), which he failed to do. The Deputy Commissioner has warned him.

The executed warrants and the fine intimation reports are submitted herewith for reference and retransmission.

I have the honour to be,
Sir,
Your most obedient servant.

INSPECTOR GENERAL OF PRISONS.

2

76

Mysore Police
Form No. 36

[P. M. 255

MEMO FORM BOOK.

No. ...
ನಂ.

District
ಡಿಸ್ಟ್ರಿಕ್ಟ್

7 46
2 3 43.

From ಇಂದ

ತಾಲ್ಲೂಕು
Taluk

Station
ಸ್ಟೇಷ್ಷ

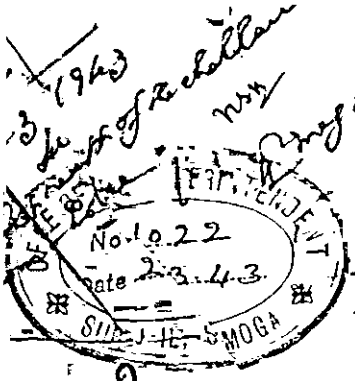
Inspector Of Police,
HONNALI TALUK.

To ಗೆ

Memorandum
ಮೆಮೋರ್ಯಾಂಡಮ್

... C. C. 397/42. 43 ... 10.2.43
... S. S. ... ...
... Sp. ...

Police Officer.
ಪೋಲೀಸ್ ಆಫೀಸರ್.



Inspector Of Police
HONNALI TALUK

References :- J.W.R. No. 6/42-43
25.2.43

C.C. 6.3/42-43
Letter from S.D. of Police Hanwella Kachcheri
Challan
Submitted

4

The Sum of Rs 10/- only being the fine amount in question was recovered from Hannamma brother of the warrantee Mallappa It was credited to Hanwella Treasury under Court of Law. on 1.3.1943 & the challan enclosed

for kind information & further needful

The fact of recovery of the fine amount is communicated to the Superintendent Sub-jail, Shimoga in memo. No. 66/42-43 dated 28.2.43.

G Pantappa
Inspector Of Police
HONNALI TALUK

1.3.1943

5

Cr T P/42.43 Cr Bill

16.2.1943

Forwarded W/C to the Spl. Second Magistrate, Shimoga for information. Challan for having recovered Rs 10/= from Sri. Hanumanthappa, broker of the Warantee, is herein enclosed

for Dy. Supt. of police,
Shimoga
16/3

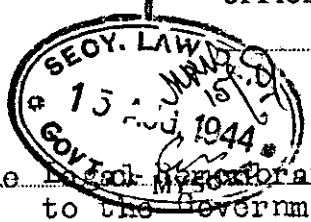
for
17-3-1943 at 5 Pm
Spl.
Note in Re Cheque Refer
Now

1343 p644

C. F. No. 46] **GOVERNMENT OF MYSORE**

No. 869-15.
Encls.

OFFICE OF the Inspector-General of Prisons
in Mysore, Bangalore,



Date 12th August 1944.

To

The Dewan Peishkar and Secretary
to the Government of His Highness the Maharaja
of Mysore, Law Department, Bangalore.

Sir,

Subject:- Over-detention of prisoner Mallappa in the Sub Jail, Shimoga.

Ref. Reminder 13/8

With reference to your letter No. P. 710 dated the 31st July 1944 on the above subject, I have the honour to state that the explanation of the District Superintendent of Police, Shimoga in connection with the over-detention of prisoner Mallappa in Shimoga Sub Jail has since been received from the Inspector-General of Police. The explanations of the other two Officers concerned has not yet been received in my Office. I have issued a reminder to the District Magistrate, Shimoga and the Revenue Commissioner in Mysore, Bangalore to obtain and forward the explanations of the Officers concerned. I shall submit the explanations immediately on receipt.

I have the honour to be,
Sir,
Your most obedient servant,

M. Ehsanulla
for Inspector-General of Prisons.
(absent from Head Quarters)

Submitted for perusal. The receipt of the reply from the DC will be awaited for a week and a reminder will be issued if not received thereafter.

16/8/44

17/8/44

C. F. No.

GOVERNMENT OF MYSORE

No. 859-7 pri

Encls.

OFFICE OF the Inspector General of Prisons in Mysore, Bangalore

Date 31st July 1943.

To

The Secretary to the Government of His Highness the Maharaja of Mysore, Law Department, Bangalore.

Sir,

Subject:- Over detention of a prisoner in the Sub Jail, Shimoga.

With reference to your letter No. P. 617 dated the 28th July 1943 on the above subject, I have the honour to state that the Deputy Commissioner, Shimoga, has been requested to furnish me with the executed warrants and other connected records together with information on the following to enable me to arrive at a decision in the matter.

1. Which of the two sentences - whether the sentence under Section 55 (a) or the sentence under Section 55 (g) of the Mysore Excise Act - was ordered by the Magistrate to be executed first.
2. It is seen from the records that intimation regarding the realisation of the fine imposed on the prisoner was received in the Jail on 2-3-1943. The date on which the intimation was referred by the Superintendent of the Jail to the Special II Magistrate, Shimoga for verification and whether the intimation was verified in the Magistrate's Court and a reply sent to the Superintendent of the Jail; and if so, the date on which this reply was received in the Jail.
3. Whether the Police Inspector of Honnali sent the intimation regarding the realisation of the fine to the Court concerned and if so, the date on which the intimation was received in the Court.

I have not yet received a reply from the Deputy

Deputy Commissioner and I have issued an urgent reminder to-day. Immediately on receipt of necessary information I shall submit a report to Government.

I have the honour to be,
Sir,
Your most obedient servant,

Inspector-General of Prisons.

Appendix F. G.—1]

SUBJECT Other detention of a prisoner in the Sabarmati Prison.

Section

File No.

Serial No.

Diary No. of letter replied to

No. P 617

To

General and Revenue Secretariat

( )

the *194*

The Chief Secretary

Subject:—

Sir,

Date of issue 28.7.1942

Signed by M. M. K. V.

In inviting your kind reference to your letter No. 869-4 dated 5th July 1942 on the above subject, I am directed to request you to be so good as to send the promised further report in the matter at an early date.

I have etc.

Secretary

List of enclosures

Copied by 28/7

Examined by

Secretary, Home Department

WD 04161—GPB—60,000—24-10-41

Pri 79-43-3
P.7344 D 2-6-44

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form*).

To

The Co of Prisons,

Subject:— Dvr detention of prisoner Mallappa in the Sub-jail, Shimoga.

Sir,

With reference to the Correspondence ending with your ltr No 869-10 dated 28th April 1944 on the above subject, I am directed to request you to be so good as to obtain & furnish forward the explanation of the Asst, the D.S.P and the Supdt, Sub-jail, Shimoga who were concerned in the matter.

A copy of this letter has been sent to the Revn Commr, Shimoga Dvn and the Dist Magte, Shimoga for information & necessary action

D 03697—GPB—30,000—2-2-46

I have the
honour
to forward herewith
Memo No P 7345-47 Dated 2-6-47,
Copy of the above
is forwarded with Compliments
to the Hon'ble Revenue Commr.
Orissa and the Dist
Magte Sambalpur Dist for
information with a request
to obtain the explanation
of the officer concerned &
send the it to the Govt Orissa
at an early date. A copy of
the letter of the Govt Orissa
addressed to above is also enclosed
for reference.

2/6/47

for Secy to Govt. Local Deptt

C. F. No. 46]

GOVERNMENT OF MYSORE

1041 Rlt

No. A[illegible] 394/43-44.
Encls. one.

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE, BANGALORE.

Date 3rd August 1944.

Rs 79-43-4

To

C. Narayanaswami Naidu, Esq., B.A., B.L.,

Legal Remembrancer and Secretary to the Government

Sir,

of His Highness the Maharaja of Mysore,

Law Department, Bangalore.

Subject:- Over detention of Prisoner Mallappa in the Sub Jail - Shimoga -

I have the honour to invite reference to your Memo No. P.7345 dated 2nd June 1944, on the above subject.

The explanation of Mr. T.H. Amir, the then Superintendent, Sub-Jail, Shimoga, is forwarded herewith.

I have the honour to be,
Sir,
Your most obedient servant,

Revenue Commissioner.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

To P.107 9/Jail dt 16-8-44

Nee Dept of Prisons

Subject:— Date detention of a prisoner in the Sub-Jail Bhimunipatnam

Sir,

In continuation of this office letter No P 7854/44 dated 2.8.1944 in the above subject, I am directed to forward herewith for favour of your remarks and return the explanation of Mr T. H. Annar, the then Superintendent of the Sub-Jail, Bhimunipatnam.

I have the honour to be,

Sir,

Your most obedient servant,

for Secretary to Govt

Law Dept

16/8/44

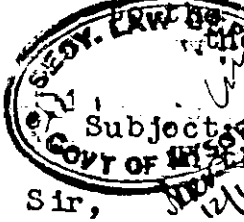
2766/44

GOVERNMENT OF MYSORE

OFFICE OF t Inspector-General of Prisons in Mysore, Bangalore

No. 869-19 Genl. Cell. Date 11-10-1944.

To The Legal Remembrancer and Secretary to the Government of His Highness the Maharaja of Mysore, Law Department, Bangalore.



Subject:- Overdetention of a prisoner in the Sub Jail, Shimoga.

Sir,

With reference to your letter No. P. 1079 dated the 14th August 1944 on the above subject, I have the honour to state that as already indicated in my letter No. 869-10 dated the 28th April 1944 Mr. T.H. Ameer the Superintendent of the Sub Jail, Shimoga is not altogether free from blame. He ought to have reminded the Court before executing the default sentence which he failed to do. The Deputy Commissionor, Shimoga has already administered a warning on Mr. T.H. Ameer and I am of opinion that no further action is necessary in the matter as he has been reverted to the Revenue Department The expalanation of Mr. T.H. Ameer received with your letter is herewith

P.T.O.

herewith returned.

I have the honour to be,
Sir,
Your most obedient servant,

Inspector-General of Prisons

C. F. No. 46] 2766 V 3754/44

GOVERNMENT OF MYSORE

No. C.2300/43-44.
Encls.

OFFICE OF the Inspector General of Police
in Mysore, Bangalore

Date 11th November 1944.

To

The Chief Secretary
to the Government of Mysore,
BANGALORE.

Sir.

Over detention of Prisoner Mallappa
in the Sub-Jail, S h i m o g a.

With reference to Mr.M.K.Varadarajan's D.O.letter No.P.2638 dated 2nd November 1944 regarding the above, I have the honour to state that a reply in the matter has already been sent to the Inspector General of Prisons with this office letter No.C.2300/43 dated 5th August 1944 along with the explanations of (1) The District Superintendent of Police, Shimoga, (2) The Manager and (3) The Clerk concerned of the District Police Office, Shimoga.

I have the honour to be,
Sir,
Your most obedient servant,

M.K. Varadarajan

INSPECTOR GENERAL OF POLICE.

The I G of Prisons has acknowledged the receipt of the reply from the I G of Police in his letter dated 12-8-44. The reply is due from the D. M. Shimoga & he has been reminded on 2-11-44. Submitted for perusal.

16/11/44

MKV 20/11

SMS 20/11

(Two

Subj:
Order detention of Prisoner
Mallappa in the Sub-Jail
Shimoga

P. 2638-3c 2-11-44

Dear Sir,

In inviting reference
to this office Memo No. P 7345-
-47 D/ 2-6-1944 on the
above subject, I am desired
to request you to be so
good as to obtain the
explanations of the ~~officer~~
concerned and send it to
the I.G. of Prisons at an
early date

D.S.P
Magistrate

Yours sincerely

14/10.

14/10.

To
1) The I.G. of Police
2) The Dist. Magte. Shimoga
Dist.

S 7344/44

C. F. No. 46] **GOVERNMENT OF MYSORE**

No. 869-23
Encls. Four

OFFICE OF the Inspector-General of Prisons in Mysore, Bangalore,

Date. 3rd January 1945.

To 4/1/44

The Legal Remembrancer and Secretary to the Government of His Highness the Maharaja of Mysore, Law Department, Bangalore.

Sir,

4/1

Subject:- Overdetention of prisoner Mallappa in the Sub Jail, Shimoga.

With reference to your letter No. P. 7344 dated the 2nd June 1944 and in continuation of this Office letter No. 869-19 dated the 11th October 1944 on the above subject, I have the honour to state that the Deputy Commissioner, Shimoga intimates in his letter No. J.1.C. 705/43-44 dated the 27th October 1944 that the Special Second Magistrate, Shimoga is not responsible for the over detention of the accused in the Sub Jail, Shimoga. The Inspector-General of Police has severely warned the Manager and has stopped the promotion of the clerk for a period of 6 months for not transmitting the fine levy warrant with the duplicate chellan to the Court in time. I agree with the Deputy Commissioner and the Inspector-General of Police. The explanations received from the Second Magistrate, Shimoga, the District Superintendent of Police, Shimoga, the Manager and the clerk of the Office of the Superintendent of Police are herewith submitted.

I have the honour to be
Sir,
Your most obedient servant,

Inspector-General of Prisons.

(21

Respectfully Submitted:—

With reference to Chief office No: C. 2300/43-44 dated 8-6-1944 calling for the explanation in connection with the delay in the transmission of the fine levy warrant in respect of one Mallappa - executed by the police Inspector Hanumali Saheb, I beg to state that during March 1943, especially during first & second week of March 1943, the Essan Disturbances cases were taken up for trial by the Special Judge & consequently I was very busy in furnishing with the connected correspondence & records to concerned officers and added to this, during the period, a large number of political activities cases were reported and registered in connection with disturbances - such as cutting & thefts of Telegraph & Telephone wires & damages to Government properties - here & there in the District & furnishing with the required Statistics and as such there was unusually heavy pressure of work in the office. In this case, the police Inspector Hanumali - a responsible officer & Saheb had sent immediately the information about the recovery of fine - through the officer in charge of jail. I beg to submit that jail authorities - (it was under the impression) had timely intimation from a responsible officer direct - as contemplated in G.O. No: P. 833-43 Chs, 34-37-3 dated 10-8-1937, the delay in the transmission of the references has taken place. under the circumstances explained above, the delay may kindly be excused.

S. Subbalakshmi
Clerk
In charge of Crimes
Branch - D.P.O. Office

3-4-1944.

(31

Submitted.

Ref. Chief Office memo No.C.2300/43
dated 8th June 1944.

With reference to the above, I beg to submit that during the period under reference, there was heavy rush of work due to Essur disturbances and other political activities throughout the district resulting in serious dislocation of office work. In the circumstances explained by the concerned clerk, I have nothing more to add but to submit that I am not to be blamed for the dealy in this respect.

Manager,
Bangalore Dist. Police Office.

15th July 1944.

P.5937

3 Draft-
I.
Pris 79—43—5

23-2-45

To

The Registrar, High Court of Mysore.

Subject:- Over-detention of prisoner Mallappa in the Sub-Jail, Shimoga, for 7 days in March 1943.

Sir,

I am directed to address you on the subject of the over-detention of a prisoner by name Mallappa in the Sub-jail, Shimoga, for a period of 7 days in March 1943. Mallappa was convicted under sections 55(a) and (g) of the Mysore Excise Act, and sentenced to pay a fine of Rs.10/- or in default thereof to for one week under Section 55(a) and Simple imprisonment, simple imprisonment for one month under Section 55(g), on the 10th February 1943 by the Special II Magistrate, Shimoga, (Vide Committal Warrant enclosed).

On the 12th February 1943, the Magistrate issued a warrant for the recovery of the fine (vide warrant enclosed), and sent it for execution to the Superintendent of Police, Shimoga District. The fine was recovered by the Police Inspector, Honnali, who executed the warrant on the 27th February 1943, and the intimation of this fact was given by him to the Superintendent, Sub-jail, Shimoga, on the 26th February 1943. The intimation, however, was received on the 2nd of March 1943, and the Superintendent of the Sub-jail, forwarded it to the Magistrate for verification the same day. The Magistrate, however, ordered that the receipt of the chellan from the D.S.P. may be awaited. The chellan, though received in the office of the Superintendent of Police on the 3rd March 1943, was not taken notice of till

till the 16th March 1943 on which day it was forwarded to the Magistrate. // The prisoner was due for release on the 9th March 1943 on the expiry of the substantive sentence of one month's simple imprisonment, and in case of default of payment of fine he was due for release on 16th March 1943. As no intimation regarding the levy and collection of the fine was received from the Court, the prisoner was released on 16th March 1943, after he had actually served the sentence for default of payment of fine. He was thus over-detained by one week.

It may therefore be seen that if only action had been taken on the 2nd March 1943 alone by the Magistrate and the intimation given to the Superintendent of the Sub-jail, the over-detention of the prisoner would not have arisen. According to C.M.No.P.833-43/Cts.34-37-3 dated 10-8-1937 issued by Government, it was the duty of the Magistrate and the Superintendent of the Sub-Jail alike to have acted promptly, ~~without waiting for further verification~~. Such verification could have also been done in the interval between 2nd and 9th March as both the offices are in the same place. ~~The Magistrate's hesitation to act on the intimation was not justifiable~~, in the circumstances, and his explanation is herein enclosed for perusal. // In any case the Magistrate who received intimation on 2-3-43 need not have waited till 17-3-43 knowing that the prisoner was being over-detained and have sent pending any reference to the S.P. Office

I am to state that suitable disciplinary action is being taken against the Superintendent of Police, Shimoga, and the Superintendent, Sub-jail, Shimoga, for their negligence in not having acted promptly in the matter, and to request you to be so good as to obtain the opinion of the ~~Judges~~ of the High Court as regards the notice to be taken of the conduct of the Magistrate in the matter and forward them same to Government at an early date. The enclosures may be kindly returned with the reply.

I have etc.,

21-2-43

Law Secy. to Govt.,

Appendix F. G.—1]

SUBJECT....OVER DETENTION OF PRISONER KALLAPPA IN THE SUB JAIL, SHIMOGA, FOR A WEEK IN MARCH 1943 - NEGLIGENCE ON THE PART OF THE SUPERINTENDENT OF POLICE.

3 Drafts
II

Section Pris
File No. 79—43
Serial No. 5(a)

Diary No. of letter replied to.....

No. P.5938/Ex. 1

General and Revenue Secretriat

( )

the 194

To

The I.G. of Police in Mysore.

Sir,

Date of issue 23.2.45

Signed by Mr. M.R.C
Type

With reference to the correspondence ending with your letter No.2000/43-44 dated 11th November 1944, on the subject mentioned above, I am directed to enclose herein a copy of letter No.869-25 dated 3rd January 1945 received from the I.G. of prisons in the matter, and to state that a mere warning administered to the Manager of the District Police office and the stoppage of the increment of the clerk concerned are not sufficient, since the responsibility for the transmission of the challan to the Court in time is primari that of the Superintendent himself.

I am therefore to request you to be so good as to propose an effective punishment for the laches of the Superintendent which would make him realise his responsibilities and discharge them diligently.

List of enclosures.....

Copied by.....

Examined by.....

WD 0744-GPB—15,000—30-10-44

A very early reply is requested. The explanation of the Superintendent is herewith returned for reference and retransmission.

I have etc.,

Secretary to Govt.,
Law Deptt.

Appendix F. G.—1]

SUBJECT ~~DAIR DETENTION OF PRISONER MALLAPPA IN THE SUB-JAIL, CHIKKA POT A TERM IN MARCH 1944~~

3 Drafts III

Section Pri

File No. 79-43

Serial No. 5(6)

Diary No. of letter replied to.....

No. P·5939/Ka 1

General and Revenue Secretrriat

( )

the 194

To

The I.G. of ~~Police~~ Prisons in Mysore.

Date of issue 23.2.45

Signed by Mr M. Kaul

Sir,

With reference to the correspondence ending with your letter No.869-19 dated 11th October 1944 on the subject mentioned above, I am directed to state that Government consider that a more warning administered to Mr.T.H.Amir, who was the Superintendent of the Sub-Jail, Nuncha, is not sufficient and to request you to be so good as to propose a more effective punishment which would make him realise his responsibilities and discharge them diligently. A very early reply is requested. His explanation is herewith returned for reference and retransmission with the reply.

List of enclosures.....

Copied by.....

Examined by.....

I have etc.,

21-2-45

Secy. to Govt., Law Deptt.

WD 0744-GPB—15,000—30-10-44

2726/P/44

Tel. Address:
"POLICE"
PHONE No. 2108.

POLICE DEPARTMENT.

OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYSORE,

When replying please quote No. C. 2300/43-44.

Dated Bangalore, 14th March *194* 5.

Pris 79-43-6

FROM

The Inspector-General of Police in Mysore,
Bangalore.

To

The Secretary to Government,
Law Department,
BANGALORE.

SIR,

Over-detention of Prisoner Mallappa

With reference to your letter No.P.5938 dated 23rd February 1945, I have the honour to state that Mr. Abdul Latiff who was the District Superintendent of Police, Shimoga District, at the time when the fine levy warrant under advertance was delayed in the District Police Office explains that the work of the District was very heavy due to the trial of the sensational Isoor cases and also communal developments in the Shimoga High School and Santhebennur, unrest at Bhadravathi and so forth which left little or no time to him to check up the work of clerks in the routine matters of this kind.

From a perusal of his diaries for the period it is seen that the District Superintendent of Police was constantly moving from place to place in the discharge of his duties as the Executive head of District Police and that the trial of the Isoor cases, the acute tension between the Hindu and Muslim students of the Shimoga High School, the disturbances at Bhadravathi and Santhebe thrown upon the District Superintendent very heavy work and engaged him so fully that he had to depend upon his office for attending to matters of this kind which under normal circumstances would not have escaped his attention.

Kind reference is invited to G.O.No.P.833-43/Cts.34-37-3 dated 10-8-37 under which the Superintendent of the Jail might have released the Prisoner on 9-3-43 on the strength of the report of realization of fine warrant amount given by the Police Inspector Honnali, even if the Court had not formally confirmed it. The intimation dated 28-2-43 was received by the Jail authorities on 2-3-43. The convict was due to be released on 9-3-43 and thus the Jail authorities had ample time to verify the intimation in time and see that the Prisoner was not over-detained on technical grounds.

Mr.Bacon is an experienced officer and his work has been otherwise quite good. A warning may perhaps be sufficient in this case and I request therefore that the Government may be kindly moved to approve of the proposal already made by me in this behalf.

I have the honour to be,
Sir,
Your most obedient servant,

S. Narayanaswamy

INSPECTOR GENERAL OF POLICE.

Bom 14/3 BG 16/3

8365 144

R. O. No. 928 44-45
D. Dis.

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 5th April 194 5.

FROM

The *Registrar, High Court of Mysore.*

To

C. NARAYANASWAMI NAIDU, Esq., B.A., B.L.,
Legal Remembrancer and
Secretary to Government,
Law Department, BANGALORE.

SIR,

With reference to your letter D.O.Nc.P.6723, dated 4-4-45, regarding the over-detention of Prisoner Mallappa in the Sub-Jail at Shimoga for a week in March 1943, I am directed to state that Mr.N.S. Krishnamurthy's further explanation has been called for and that a reply will be sent to you in due course.

I have the honour to be,
Sir,
Your most obedient servant,

FOR REGISTRAR.

VGR.

GOVERNMENT OF MYSORE

OFFICE of the Inspector-General of Prisons in Mysore, Bangalore

No. 869-27 Date 5-4-1945.

To The Legal Remembrancer & Secretary to the Government of His Highness the Maharaja of Mysore, Law Department, Bangalore

Subject:- Overdetention of prisoner Mallappa in the Sub Jail, Shimoga for a week in March 1943.

Sir,

With reference to your D.O.No.P. 6722 dated the 4th April 1945 on the above subject, I have the honour to state that the Deputy Commissioner, Shimoga from whom proposals for inflicting a more severe punishment were called for, has not furnished a reply as yet. I have to-day addressed him Demi-officially to expedite his reply. I shall submit a report to Government immediately on receipt of necessary information.

I have the honour to be,
Sir,
Your most obedient servant,

Inspector-General of Prisons.

III draft

Subj:— 3 drafts

Over detention of prisoner Mallappa in the Sub-Jail Shimoga for a week in March 1943.

P. 7648 24.5.45

To

The I.G. of Police

Sir,

With refce. to correspondence ending with your letter No. C 2300/43-16 dated 16th March 1945 on the subject mentioned above, I am directed to request you to be so good as to forward the general diary of the Dist. Supdt of Police, Shimoga

16/5

I have etc.

For chief Secy to Govt

C. F. No. 46J

GOVERNMENT OF MYSORE

100444/44

No. 869-32
Encls

OFFICE OF the Inspector-General of Prisons in Mysore, Bangalore

Date 31st May 1945.

To

The Legal Remembrancer and Secretary to the Government of His Highness the Maharaja of Mysore Law Department, Bangalore.

Sir,

Pris 79--43--7

Subject:- Overdetention of prisoner Lalliapia in the Sub Jail, Shimoga for a week in March 1943.

With reference to your letter No. L. 5939 dated the 23rd February 1945 on the above subject, I have the honour to state that in August 1942 to meet the sudden demand for increased accommodation for the large number of detenus and political prisoners, new Sub Jails were started at Sagar, Thirthahalli and Seringapatam. The District Lock-ups at Hassan, Shimoga, Chickmagalur and Tumkur were converted into Sub Jails. As there was dearth of trained officers in the Department to be posted as Superintendents for these new Jails, Government were pleased to draft officers from the Revenue and Police Departments to be in charge of these Jails. Mr. F.H. Amir, the Superintendent, Sub Jail, Shimoga was drafted from the Revenue Department and was new to this work. Instructions conveyed in official memorandum No. J. 833-43/Cts 34-37-3 dated the 10th August 1937 for the prevention of overdetention of prisoners in Jails owing to non-receipt by the prison authorities of timely intimation of recovery of fine, was, I presume, not known to him. Moreover I find that this memorandum has been omitted to be mentioned in the Jail Manual Vol. I. which has been revised and corrected up to 20th April 1940.

In view of the legal limitations imposed under the provisions of Rule 210 Mysore Jail Manual, and being unaware of the instructions issued in the official Memorandum, stated above, the Superintendent, Sub Jail, Shimoga happened to act in the way explained by him. He did not know of the modified rules and no one on the staff brought them to his notice. The Deputy Commissioner, Shimoga District, who was requested

P.T.O.

... to propose a more severe punishment than ... a more warning to Mr. Amir, informs me (copy enclosed) that he was not in charge of the District at the time when the overdetention occurred and opines that the punishment already given seems to be sufficient. As already reported in my letter No. 869-10 dated the 28th April 1944, the prisoner could not have been overdetained if the records had been attended to promptly in the Office of the Superintendent of Police, Shimoga. Mr. Amir has already been administered a severe warning by the then Deputy Commissioner for dereliction of duty but if a more effective punishment is necessary, I submit that Government may pass such orders as they deem fit.

I have the honour to be,
Sir,
Your most obedient servant,

Inspector-General of Prisons.

Copy of letter No. Jl.C. 705/42-43 dated the 25th April 1945 from the Deputy Commissioner, Shimoga District to the Inspector-General of Prisons in Lysore, Bangalore.

Subject:- Overdetention of Prisoner Mallappa in the Sub Jail, Shimoga.

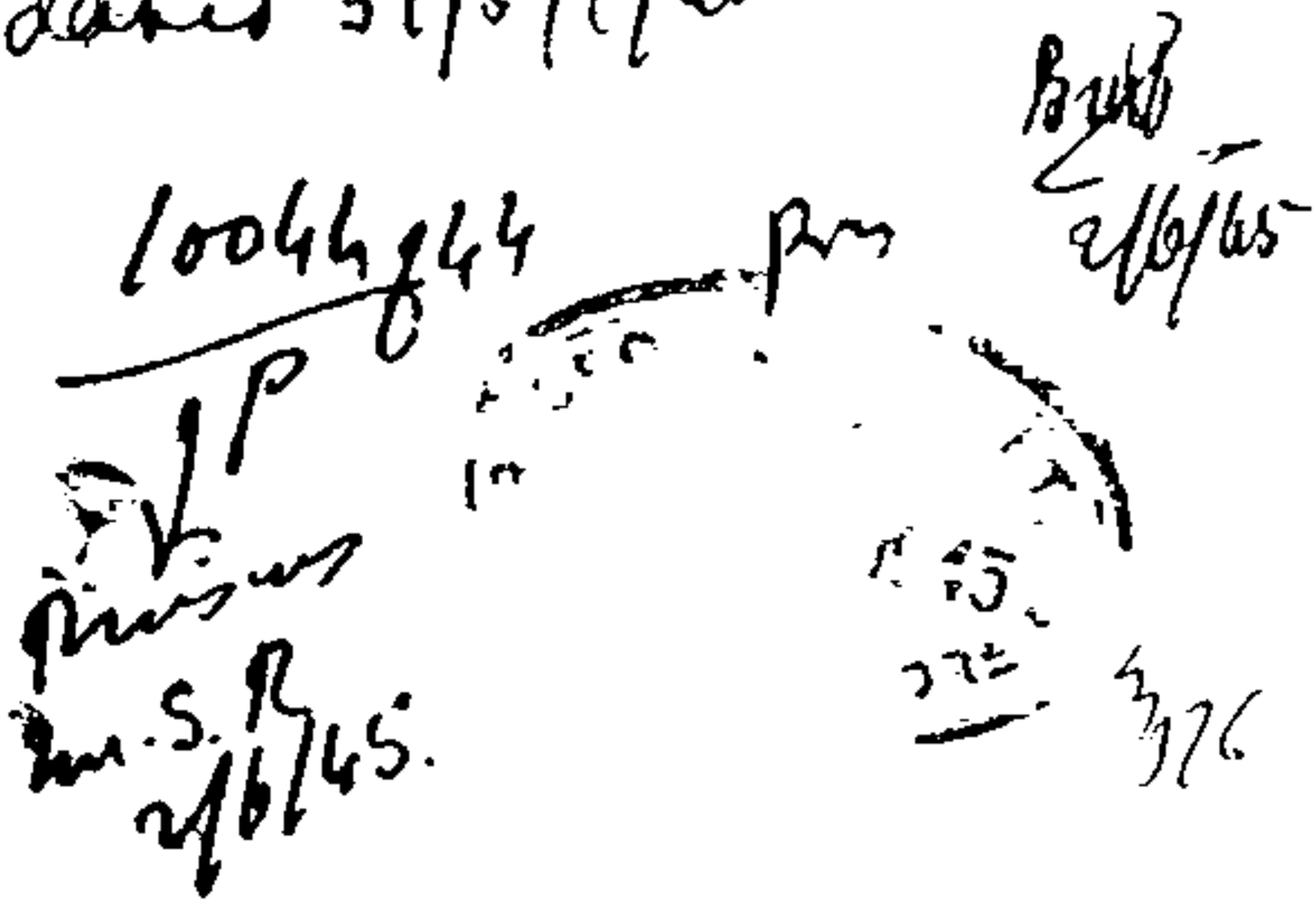
With reference to your Memo No. 869-25/22-3-45 forwarding a copy of letter No. P. 5939/23-2-45 from the Secretary to Government, Law Department, Bangalore, on the above subject and asking me to send up proposals for inflicting a more severe punishment than a mere warning now awarded to Mr. T.H. Ameer, Ex-Superintendent of the Sub Jail Shimoga, I have the honour to state that the punishment has been awarded by Mr. G. Sundara Rao, the then Deputy Commissioner, I am also of opinion that the punishment already given seems to be sufficient and therefore leave the matter to you for proposing a more effective punishment if you deem fit.

" C o p y "

Inspector-General of Prisons.

enclosure to letter No 869-32

dated 31/5/1945



Submitted in original with a covering letter
27/6

Exercice 1

Devoir

(Année (2 ans) : Halles
1 C. 2.0
27.6.44

N. SAMALENGAR, B.A., LL.B.,
Registrar.

D. O. R.O.C. 928/44-45

712/945

HIGH COURT
OF MYSORE,
BANGALORE

17 July 1945.
18

Dear Sir,

With reference to your letter D.O. P.366, dated 14-7-45, regarding the over-detention of prisoner Mallappa in the Sub-Jail, Shimoga, for a week in March 1943, I am desired to state that the matter is still under consideration.

Yours sincerely,
N. Samalengar

To

K. Pherozeshaw Poonegar, Esq., B.A., LL.B.,
Assistant Secretary to Government,
Law Department,
General & Revenue Secretariat,
BANGALORE.

Submitted for kind perusal
Further report may be awaited

DA/- 1-8-45

C. F. No. 46] GOVERNMENT OF MYSORE 10594/45

No. C. 2300/44-45. OFFICE OF the Inspector-General of Police
Enc in Mysore, Bangalore.

Encs: Shimoga Dear's Diaries

Date June 13, -1945.

To:- The Chief Secretary Pris 79-43-8
to the Government of Mysore, Bangalore.

Sir,

M.L.

Over detention of prisoner Mallappa in the Sub Jail, Shimoga, in March 1943.

As called for in your letter No. D.7648 dated 24-5-1945, I have the honour to forward herewith the diaries of the Superintendent of Police, Shimoga, for the period from 28-2-1943 to 20-3-1943.

They may kindly be returned when done with.

Proforma.

1 1935

I have the honour to be,
Sir,
Your most obedient servant,

S. Nanjundaiah

INSPECTOR GENERAL OF POLICE.

2434/45

R. O. C. No. 928 44-45
D. Dis.

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 1st September ..... *194* 5.
3

FROM

K.C. LINGIAH GOWDER, Esq., M.A., LL.B.,
~~TXXSHKAMXIEXXXARXRXXXXXXXXXX~~
Registrar, High Court of Mysore.

Jans 79-43-9

To

R. VENKATA RAMAIYA, Esq., M.A., LL.B.,
Legal Remembrancer and Secretary to
Government Law Department, Bangalore.

H.Q 337

SIR,

Pins

With reference to your letter No.P.5937 dated 23-2-1945 bringing to the notice of the High Court the fact of over-detention of Prisoner Mallappa in the Sub-Jail at Shimoga for a period of 7 days in March 1943 and inviting the opinion of the High Court as regards the disciplinary action to be taken against the Second Magistrate of Shimoga (Mr.N.S.Krishnamoorthy), I am directed to state that the interpretation put upon para 5 (A) in the Criminal Rules of Practice by the said Magistrate to the effect that the Jail Officer can act on the information from the Police Officer about having collected the fine is not correct, that it was obligatory on his part to have verified the fact of the realization of the fine from the Police soon after intimation of it was sent to him by the Jail Officer and reported it to the Jail Officer, so that the latter might have released the prisoner on the due date, that the explanation given by the said Magistrate is not satisfactory and that in the circumstances of the case. however. it is considered sufficient to issue a warning to the Magistrate in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

K.C. Lingiah Gowder
REGISTRAR.

VGR.
1/9/45.

C 1833-4 Q 12/9

G. R. S. App. F. G. 3

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

over-detention of prisoner Mallappa in the Sub-Jail Shimoga.

(1) The D. G. of Police

(2) " Registrar High Court Bgly

Sir, Pris Dy 9-45-10

I am directed to invite reference to the correspondence ending with your letter No. (1) C 2300/43-44 dated 16th March 1945 (2) No. R.O.C. 928/44-45 dated 3rd Septr 1945 on the subject mentioned above and to request you to be so good as to immediately return the (1) explanation of the Supdt of Police (2) the explanation of the Magistrate and the committal warrant. Sent for your reference and retransmission with your reply.

I have etc

MAW 12/9

12/9

For Secy to Govt
Law Department

WD 0565—GPB—22,500—8-11-38

2813/45

R. G. C. No. 928
D. Dis.

Encs 3

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore 13th September 1945.

P&S 79-43-11

FROM

K.C. Lingiah Gowder, Esq., M.A., LL.B.,
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~.
Registrar, High Court of Mysore.

To

R. Venkata Ramaiya, Esq., M.A., LL.B.,
Legal Remembrancer and Secretary
to Government, Law Department,
Bangalore.

SIR,

I am directed to return herewith the explanation of the Second Magistrate of Shimoga regarding over detention of prisoner Mallappa in the Sub-jail, Shimoga, and the committal warrant received with your letter No.P.5937 dated 23-2-1945.

I have the honour to be,
Sir,
Your most obedient servant,

K.C. Lingiah Gowder
Registrar.

ANR.
13/9

Fine not paid in Court

Warrant of commitment on a sentence of imprisonment, or fine or both.
Sections 245, 258, 306, 309 and 349, Criminal Procedure Code.
Form No. 30, Criminal.

W.No.278. 42-43

In the Court of the Special Second Magistrate at Shimoga.

of Criminal **Sessions/Calendar Case No.** 397 **of** 42-43

To

The Superintendent of the Sub Jail at Shimoga

Whereas on the 10th day of February 19 43 Mallappa son of Kannappa resident of Kulagatte, Honnali Taluk (1st, 2nd, 3rd, etc.) prisoner in Case No. 397 of the Calendar for 1942-43 was convicted before me the Special Second Sessions Judge/Magistrate of Shimoga of the offence of possession of I.D. liquor and apparatus for the manufacture of I.D.L. punishable under Section 55(a) & (g) of the Indian Penal Code/Excise Mysore Excise Act and was sentenced to pay a fine of Rs. 10/- indefault to simple imprisonment for one week for the offence under Sec. 55(a) of the Mysore Excise Act and to undergo simple imprisonment for one month for the offence under Sec. 55(g) the Mysore Excise Act.

This is to authorise and require you the said Superintendent of the Jail/Officer in charge of the Lock-up at Shimoga ...to receive the said prisoner Mallappa S/O Kannappa into your custody in the said Sub Jail/Lock-up together with this warrant and there carry the aforesaid sentence into execution according to law.

I. The distance from the prisoner's residence, *viz.*, Kulagatte, Honnali Tk to the nearest Railway Station/Jail or Lock-up is.....miles.

II. Details of property on the person of the prisoner :—

III. I hereby certify that no fine has been paid in Court/the fine has been recovered

IV. Descriptive roll :—

Name	....	Mallappa
Father's name	....	Kannappa
Sex, married or single	....	Male
Race, religion and caste	....	Valmiki
Previous occupation	....	Cooli
Age and height	....	23 Years
Descriptive marks	....	

Particulars of previous conviction, if any.

Court	Calender No. and year	Section and Code	Sentence
		Nil	

Given under my hand and the seal of the Court, this 10th day of February 1943.

Seal.

N. S. Krishnamurthy
Sessions Judge/Magistrate.
Special II
Shimoga.

10/2/43

Solitary confinement.

From	To	Number of days	Total undergone	Superintendent's initials

I hereby certify that the within named prisoner has this day been served with an order directing him to notify his residence to the police for ..... year..... from this date.

The following address was furnished by the prisoner on release.

Street..... Village.....

Taluk..... District.....

Superintendent of the Jail.
Officer-in-charge of Lock-up.

Dated.....

The order has been duly served on me.

Signature or the left thumb impression of the prisoner.....

SUB-JAIL, SHIMOGA. Jail / Lock-up

Dated 16.3.43

SUB-JAIL, SHIMOGA. Jail / Lock-up

Date of admission to Jail. 10.2.43.

Number 1011.

Name Mallappa

Sentence 1 day's fine or 7 days S.I. for non-payment of fine & 4 months S.I. for the offence under Sec. 48-2 Mysore Excise Act.

Date of sentence 10.2.43.

Date of release 16.3.43.

To No. 1118/42-43
16-3-43

I hereby certify that the sentence passed on the prisoner named in this warrant has been executed according to law and that he has this day been released from custody on

~~Appeal~~
Expiry of sentence of one week & 10 days default sentence + one month S.I.
~~Bail~~ other default sentence

or having earned..... day remission or under special orders of Government.

SUB-JAIL, SHIMOGA. Jail / Lock-up

Dated 16.3.43.

Jailor.

SUPERINTENDENT
Sub-Jail, Shimoga
Superintendent / Officer-in-charge.

Admitted on 10.2.43
Mallappa
1011
Sentenced to pay a fine of Rs. 1/- in default to S.I. for one week for the offence u/s 55(a) of the Mysore Excise Act and to undergo S.I. for one month u/s 55(a) of the Mysore Excise Act.
Released 16.2.43 / 16.3.43
Supdt.
12/2/43.

WD 02327—GPB—18,350—30-5-41

C.C. No. 3977

J.P. No. 211/43

WD 03506—GPB—7,815—22-10-36

IN THE COURT OF 2nd. Second Magistrate SHIMOGA

Warrant for levy of fine. Section 386, Cr. P. Code. Form No 42, Criminal.

Whereas Mallappa S/o Kannappa resident of Kalaga Ka, Honnalli was on the 10 K day of February 1943

convicted before me of the offence of Sec 55 (a) of B. Excise Act

and sentenced to ~~rigorous~~ / simple ~~imprisonment for~~ and to pay a fine of Rupees Ten (Rs 10/-) in default to undergo ~~rigorous~~ / simple imprisonment for one week and whereas the said Mallappa who is now confined in the Sub jail / lock-up at Shimoga although required to pay the said fine has not paid the same or any part thereof:

This is to authorize and require you to make distress by seizure of any movable property belonging to the said Mallappa S/o Kannappa which may be found within the district of Shimoga and if within five days next after such distress the said sum shall not be paid, to sell the movable property distrained, or so much thereof as shall be sufficient to satisfy the said fine, returning this warrant, with an endorsement certifying what you have done under it immediately upon its execution and to communicate the recovery to the officer in charge of the Sub jail / lock-up at Shimoga

Given under my hand and the seal of the Court this 12 K day of February 1943.

S. Krishna murthi

Second Magistrate SHIMOGA

Form 1 Jellan BP 28-1-43

F.N.No 211/42-43

Memo

Forwarded with compliments to the District Superintendent of Police. Shimoga for execution and early retransmission.

N.S. Krishnamurthy
Special second Magistrate
Shimoga.
12/2/43

F.W. 179/42-43.

C.C. 613/42-43. Ftc

by any officer named in the warrant

S.D.M. N. Krishnaji Rao

for

Process for execution & return.

S. Puttappa
17.2.43

Time warrant No 6/42-43.

Executed

Time warrant No. 6/42-43

Submitted

The amount of Rupees Five hundred was recovered & sent to the Court.

N. Krishnaji Rao
S.D.M.
28.2.43.

N. Krishnaji Rao

The District Magistrate,
Shimoga District, Shimoga.

Sir,

Subject:- Over detention of Prisoner Mallappa in the Sub Jail at Shimoga.

With reference to memo No. Jlc.705/43-44 dated 8-7-44 received through the District Magistrate, Bangalore with his memo No Jlc.1083 of 43-44 dated 25/7/44 calling for my explanation on the above subject I beg to invite kind reference to my reports nos. 488/42-43 dated 22nd March 1943 and No.No. 45/43-44 dated 19-7-43 made while I was in charge of the Special Second Magistrate's court at Shimoga (~~copies enclosed for ready reference~~) and in addition to the facts already reported in the above reports I beg to submit the following:-

The contention of the Inspector General of Prisons that G.O.No. P. 833-43/Cts 34-37-3 dated 10th August 1937 does not authorise the Jail authorities to release the prisoner without the intimation from the court concerned is not sound. Paragraph 5 in page 32 Criminal Rules and Orders Vol. I and paragraph 5A as ammended by G.O. No. P. 833-43/Cts 34-37-3 dated 10th August 1937 when read together makes it clear that the Jail authorities are authorised to release the prisoner on receipt of intimation of realisation of fine from the Police The paragraph runs as follows:-

Para 5. The court which passes the sentence of fine has the duty of reporting its recovery to the Jail authorities in the prescribed form whether the police do so or not

Para 5A as inserted as Per G.O. dated 10-8-37.

Instances have come to the notice of Government of overdetention of prisoners owing to non-receipt by the prison authorities of timely intimation of recoveries of fine. Deputy Commissioners and Police Officers whenever they realise fine amounts whether in full or in part ~~by the execution of the warrant addressed to them by Magistrate~~ and Sessions Judges under Section 386 Cr.P.C should communicate forthwith the fact of realisation and the amount realised to the court issuing the warrant and to the Officer incharge of the Jail or Lock-up in Order that the convicted persons may not be detained in the prison on account of the fine longer than is warranted.

According to Para 5 The Court was responsible for intimating the realisation of fines and the Jail authorities could not have taken action without intimation from the court convicting the person. he

ammended para 5A makes it clear that the Jail authorities can act on the intimation received from the Police as that para is added to avoid over detention of ~~xxx~~ prisoners

I may be permitted to add that the intimation sent to the Jail Superintendent by the Police which was received by me on 2/3/43 for verification could not be verified as the executed fine warrant and the credit chellan had not been received be me. The memo from the Superintendent was only for verification and there was nothing in it to indicate that he would not act on the intimation received from the Police as laid down in Rule 5A referred to above and G.O.No. P. 833-43 Cts-34.37-3 dated 10/8/37. The executed fine leavy warrant and the credit chellan were received in Court only on 17/3/43 through the Office of the D.S.P and hence it was not possible to verify and send intimation to the Jail Superintendent earlier. The prisoner was due for release on 9/3/43, if the fine was paid and the Superintendent could have called for instructions as the memo of Inspector of Police sent for verification was not returned and if he had at least done so, I could have drawn his attention to G.O.No. P. 833-43/Ch. 34-37-3 dt. 10/8/37 directed the relase of the prisoner.

I submit that I could not send intimation of realisation of fine to the Jail Superintendent so long as the fine due was outstanding in the fine register and that as no credit chellan was received till 17-3-43 I could not verify if the fine was recovered and send intimation to the Jail Superintendent.

I beg to remain,
SIR,

Your most obedient servant

N. S. Krishna murthy

Special I Class Magistrate,
Closepet.

C. F. No. 461

GOVERNMENT OF MYSORE

2345/1945

No. C. 2300/43-44.
Encls. one

OFFICE OF the Inspector General of Police,
in Mysore, Bangalore.

Date 15th September 1945.

To

The Secretary to Government, Pris. M.9.
Law Department,
BANGALORE.

SECY. LAW DEPT

Sir,

Re Over-detention of prisoner Mallappa in Sub Jail, Shimoga.

With reference to your letter No.P.1833-4 dated 12th September 1945, I have the honour to forward herewith the explanation of the District Superintendent of Police, received with your letter No.P.5938 dated 23rd February 1945.

I have the honour to be,
Sir,
Your most obedient servant,

S. Varadarao

INSPECTOR GENERAL OF POLICE.

Reference: C. No 2300/43-44 dated 10th July 1944 regarding the delay of the return of the Executed Fine Warrant to the 2nd Magistrate Shimoga.

—o—.

With reference to the above, I beg to state that usually Fine Warrants are sent from Courts, sometimes to the District Supdt of Police and some times to the Inspectors Concerned direct. The Fine Warrants received by the dist. Supdt of Police, were always sent to the Inspectors Concerned for Execution and accordingly the Warrant in Question was also sent to the Inspector of Police, Honnali for Execution. It was the duty of the ~~Cts~~ Concerned clerk of the D.P.O. to see the immediate dispatch of the Executed Warrant to the Concerned Court. It was practically impossible for me to check the work of every clerk during the period in Question, when the work of the district was very heavy due to trail of Essur Cases and also Communal-developments in Shimoga High School and at Santebennur. I think that the Concerned clerk of the D.P.O. who delayed the despatch of the Warrant to the Court has to answer this. It is seen from the records that the Police Inspector of the Concerned Taluk has intimated the Jail authorities direct soon after the Execution of the Warrant, he could have taken action on getting information from a responsible officer like the Police Inspector.

Dist Supt of Police
Bangalore Dist
15/7/1944

CONFIDENTIA

To P 5109 Pris 79—43—13
D 20-2-46

The Inspector-General of Prisons
in Mysore, Bangalore.

Sir,

Sub: Over-detention of prisoner Mallappa in the sub-jail, Shimoga

P.2[illegible]

I am directed to invite reference to the correspondence ending with your letter No. 869-32, dated the 31st May 1945 on the subject mentioned above, and to state that in the circumstances reported by you, Government agree that a warning in the case of the Superintendent, Mr. T.H. Ameer, would suffice.

I have etc.,

for Secretary to Government,
Law Department.

PL/-

3 diff - for 44

CONFIDENTIAL

To

The Inspector-General of Police
in Mysore, Bangalore.

P 5110/Ex Pris 79—43—44
2532/46

Sir,

Sub: Over-detention of prisoner Mallappa in the sub-jail Shimoga.

I am directed to invite reference to the correspondence ending with your letter No. C 2300/43-44, dated the 16th March 1945 on the subject mentioned above, and to state that the explanation of the Superintendent of Police (Mr. Abdul Latiff), attributing the entire responsibility to the clerk of his office, implies want of realisation of his own duty and the seriousness of the consequence arising therefrom. This explanation for the inordinate delay of a fortnight in sending the fine levy warrant challan to the Court, though he was at Head-quarters during the period, is not acceptable.

Government wish to emphasise on this Officer that in such a case as this, involving the fundamental rights of freedom, he should have acted promptly, realising his own responsibility.

Government expect that this officer will, in future, pay greater regard to his duties and exercise better vigilance in their discharge. The diaries of the officer are returned herewith.

I have etc.,

for Secretary to Government,
Law Department.

PL/-

3 dfts

CONFIDENTIAL

PSIII Pris 79—435—15

To 25/2/46

The Registrar,
High Court of Mysore,
Bangalore.

Sir,

Sub: Over detention of prisoner Mallappa in the sub-jail, Shimoga.

I am directed to invite reference to the correspondence ending with your letter No. ROC 928/44-45, dated the 3rd September 1945 on the subject mentioned above, and to state that Government observe that the Second Magistrate of Shimoga (Mr. N.S. Krishnamurthy) though appraised of the recovery of the fine by the Inspector, allowed matters to drift by taking an attitude of unconcern or apathy in a matter affecting the freedom of a subject, entitled to the protection of the Court..

Government wish to emphasise on this officer that in such a case as this, involving the fundamental rights of freedom, he should have acted promptly, realising his own responsibility.

Government expect that this Officer will, in future, pay greater regard to his duties and exercise better vigilance in their discharge.

I have etc.

for Secretary to Government,
Law Department.

PL/-